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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/608,501	06/30/2000	Vinu Sunderasan	COVDP008	2138

23689 7590 09/02/2004

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EXAMINER

DUONG, THOMAS

ART UNIT PAPER NUMBER

2143

DATE MAILED: 09/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/608,501	SUNDERASAN ET AL.	
	Examiner	Art Unit	
	Thomas Duong	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 06 May 2004.
- 2a) ☒ This action is **FINAL**.      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Response to Amendment*

1. This office action is in response to the amendment filed on May 6, 2004. The amendment filed on May 6, 2004 has been entered and made of record. *Claims 1-36* are presented for further consideration and examination.

### *Response to Argument*

2. The Applicants' arguments and amendments filed on May 6, 2004 have been fully considered, but they are not persuasive.
3. With regard to claims 1, 14 and 24, the Applicants point out that:
  - *However, each of independent claims 1, 14 and 24 is amended to clarify that the communication is between two service providers in connection with providing a high speed network access service and that the first and second service providers cooperate to provide high speed network access service to an end subscriber...*
  - *In contrast, Yokell merely describes a web interface for an end subscriber to order DSL service. Only one service provider is involved in Yokell. In Yokell, only one service provider is involved in providing the web interface through which the end subscriber may enter information to qualify for and subscribe to DSL service and the same service provider is involved in receiving and processing such information from the end subscriber. In other words, Yokell's system and process does not involve cooperation between two service providers.*

However, the Examiner finds that the Applicants' arguments are not persuasive and maintains that the Yokell reference does disclose a system wherein a customer can order a DSL loop or circuit from a DSL service provider utilizing a web-based ordering tool. The Yokell reference also anticipates the interactions between two service entities: the DSL service provider and the ISP (Internet Service Provider). The Yokell reference allows the customer to select the desired ISP from a list of available ISP's in the customer's specific service area (Yokell, col.23, lines 49-53; module 90, fig.5). Thus, the Yokell reference anticipates that there is communication between the DSL service provider and the ISP provider to collectively provide the services desired by the customer. Hence, it would be advantageous for the two service entities to be efficient by communicating using a predefined method. Therefore, the Applicants still failed to clearly disclose the novelty of the invention and identify specific limitation, which would define patentable distinction over prior art.

4. With regard to claims 2-13, 15-23 and 25-36, they are rejected at least by virtual of their dependency on the independent claims and by other reasons set forth in the previous office action. Accordingly, rejections for *claims 2-13, 15-23 and 25-36* are presented as below:

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 9, 14, 20, 24 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yokell et al. (US006507870B1) and in view of Bayeh et al. (US006012098A).
7. With regard to claims 1, 14 and 24, Yokell reference discloses,
- *electronically receiving a request message relating to the high speed network access service from a service provider via a network* (col. 1, lines 53-57; module 326 on sheet 10, fig.14).
  - *processing the request message from the service provider using a computer system* (col.1, lines 56-57; col.2, lines 17-19; col.2, lines 26-37; modules 328, 332 on sheet 10, fig.10).
  - *electronically transmitting the response message to the service provider via the network* (col.24, lines 45-48; modules 334, 336 on sheet 10, fig.10).

However, Yokell reference does not explicitly disclose,

- *wherein the processing of the request message utilizes a predefined request document tag definition and the generating of the response message utilizes a predefined response document tag definition.*

Bayeh teaches,

- *wherein the processing of the request message utilizes a predefined request document tag definition and the generating of the response message utilizes a predefined response document tag definition* (col.10, lines 19-24; col.11, lines 1-7, lines 10-14, lines 34-36; col.12, lines 13-15; col.4, lines 23-42; sheet 5, fig.5).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Bayeh with Yokell to enable additional data retrieval or formatting implementations to be quickly and easily added into the

computing environment, providing greater flexibility in the manner in which data can be presented, and possible increasing overall system throughput and alleviating potential processing bottlenecks as well. Furthermore, it makes changes less error-prone because it is more likely that all the code needing change will be located, and will therefore be changed.

8. With regard to claims 9, 20 and 30, Yokell and Bayeh references disclose the invention substantially as claimed,

See *claims 1, 14 and 24* rejection as detailed above.

Furthermore, Bayeh reference discloses,

- *wherein the processing of the request message includes decoding the request message from extensible markup language (XML) and the generating of the response message includes encoding the response messages in XML (col.4, lines 23-42).*

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Bayeh reference with Yokell reference to enable additional data retrieval or formatting implementations to be quickly and easily added into the computing environment.

9. Claims 2-6, 15-19 and 25-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yokell et al. (US006507870B1), in view of Bayeh et al. (US006012098A) as applied to *claims 1, 14 and 24* and further in view of Barry et al. (US006615258B1).
10. With regard to claims 2, 15 and 25, Yokell and Bayeh references disclose the invention substantially as claimed,

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See *claims 1, 14 and 24* rejection as detailed above.

However, Yokell and Bayeh references do not explicitly disclose,

- *wherein the processing of the request message determines a type with which the request message is associated, the type is selected from the group consisting of service availability, DSL service, order entry, order status, order summary, trouble ticket entry, trouble ticket status, and trouble ticket summary*

*Barry discloses,*

- *wherein the processing of the request message determines a type with which the request message is associated, the type is selected from the group consisting of service availability, DSL service, order entry, order status, order summary, trouble ticket entry, trouble ticket status, and trouble ticket summary (col.35, lines 2-8; col.36, lines 20-43, lines 44-54; module 2380 on sheet 19, fig.16b).*

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Barry reference with Bayeh and Yokell references to enable additional data retrieval or formatting implementations to be quickly and easily added into the computing environment, providing greater flexibility in the manner in which data can be presented, and possible increasing overall system throughput and alleviating potential processing bottlenecks as well.

Furthermore, it makes changes less error-prone because it is more likely that all the code needing change will be located, and will therefore be changed.



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11. With regard to claims 3-4, 16-17 and 26-27, Yokell and Bayeh references disclose the invention substantially as claimed,

See *claims 2, 15 and 25* rejection as detailed above.

Furthermore, Bayeh reference discloses,

- *wherein the processing of the request message utilizes the predefined request document tag definition corresponding to the request message type (col.4, lines 23-42).*

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Bayeh reference with Yokell reference to enable additional data retrieval or formatting implementations to be quickly and easily added into the computing environment.

12. With regard to claims 5-6, 18-19 and 28-29, Yokell and Bayeh references disclose the invention substantially as claimed,

See *claims 2, 15 and 25* rejection as detailed above.

Furthermore, Bayeh reference discloses,

- *wherein the processing of the request message includes determining from the request message values for request parameters corresponding to the message type (col.4, lines 51-60).*

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Bayeh reference with Yokell reference to enable additional data retrieval or formatting implementations to be quickly and easily added into the computing environment.

13. Claims 7-8, 10-13, 21-23 and 31-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yokell et al. (US006507870B1), in view of Bayeh et al. (US006012098A) as applied to *claims 1, 14 and 24* and further in view of Chen et al. (US006507856B1).

14. With regard to claims 7 and 8, Yokell and Bayeh references disclose the invention substantially as claimed,

See *claim 1* rejection as detailed above.

However, Yokell and Bayeh references do not explicitly disclose,

- *wherein, where the request message includes at least one sub-request, the generating of the response message includes generating the response message with at least one subresponse, each sub-response corresponding to one of at least one sub-request.*

Chen teaches,

- *wherein, where the request message includes at least one sub-request, the generating of the response message includes generating the response message with at least one subresponse, each sub-response corresponding to one of at least one sub-request (col.2, lines 29-42; figures 7-8, sheet 6).*

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Chen reference with Yokell and Bayeh references to enable additional data retrieval or formatting implementations to be quickly and easily added into the computing environment, providing greater flexibility in the manner in which data can be presented, and possible increasing overall system throughput and alleviating potential processing bottlenecks. Furthermore, it

makes changes less error-prone because it is more likely that all the code needing change will be located, and will therefore be changed.

15. With regard to claims 10-13, 21-23 and 31-33, Yokell and Bayeh references disclose the invention substantially as claimed,

See *claims 1, 14 and 24* rejection as detailed above.

However, Yokell and Bayeh references do not explicitly disclose,

- *wherein each predefined response and request document tag definition is associated with a message document header tag definition, corresponding one of a request and response message header tag definition and a message body tag definition.*

Chen teaches,

- *wherein each predefined response and request document tag definition is associated with a message document header tag definition, corresponding one of a request and response message header tag definition and a message body tag definition (col.2, lines 29-42; figures 7-8, sheet 6).*


Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Chen reference with Yokell and Bayeh references to enable additional data retrieval or formatting implementations to be quickly and easily added into the computing environment, providing greater flexibility in the manner in which data can be presented, and possible increasing overall system throughput and alleviating potential processing bottlenecks. Furthermore, it makes changes less error-prone because it is more likely that all the code needing change will be located, and will therefore be changed.

**Conclusion**

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.
17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Duong whose telephone number is 703/305-1886. The examiner can normally be reached on M-F 7:30AM - 4:00PM.
- If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on 703/308-5221. The fax phone numbers for the organization where this application or proceeding is assigned are 703/872-9306 for regular communications and 703/872-9306 for After Final communications.
- Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703/305-3900.

Thomas Duong (AU2143)

August 24, 2004

  
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